

Kieffer, Tiffany B.

From: Kieffer, Tiffany B.
Sent: Friday, July 18, 2008 5:19 PM
To: 'Scott Fanning'
Subject: RE: Tucker v. Whelan Security Co. et. al. -- Conversation of 7/18/2008

Dear Mr. Fanning,

As I explained on our telephone call today, after completing extensive research on this issue, I have not found one case, either in the Northern District of IL or in the 7th Circuit, that stands for the proposition that it is improper for a party who lacks information to deny a request for admission. As far as I am aware, there is no case that stands for this assertion, and you have not provided any to me. Further, as I stated on the phone, if you have a case that is applicable to this issue, please provide it to me, and I will be happy to review it and discuss it further with you. At this time, I think it would be inappropriate for you to file a motion to compel and/or motion to determine the sufficiency of the responses to the requests for admission without any supporting legal authority.

Very truly yours,

Tiffany Kieffer

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From: Scott Fanning [<mailto:SFanning@aa-law.com>]
Sent: Friday, July 18, 2008 2:51 PM
To: Kieffer, Tiffany B.
Subject: Tucker v. Whelan Security Co. et. al. -- Conversation of 7/18/2008

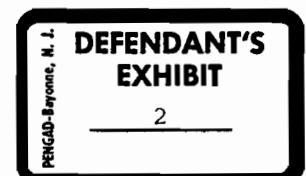
Dear Ms. Kieffer:

This e-mail serves to memorialize our conversation earlier today requesting that Whelan Security Company and Whelan Security of Illinois, Inc. amend its answers to Plaintiff's first set of requests to admit. You reiterated your position that Judge Shadur's reasoning in *State Farm v. Riley* and *Brown v. County of Cook* does not apply to requests to admit, but only to pleadings under Rule 8. Additionally, you questioned the precedential importance of the decision as it has not been widely followed by many other judges. I then expressed our position outlined in our previous letter that there is no reason for the above referenced cases involving Rule 8 pleadings should not be applied to requests to admit as the reasoning is analogous. As such, we agreed to disagree on the matter. Please let me know if you disagree with anything in this summary.

Very truly yours,

Scott Fanning
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8/11/2008



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